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DADE COUNTY COMMISSION
REGULAR MEETING
JANUARY 4, 2007

1 MR. BRANDON: I want to call the
2 meeting to order. Before we start, I would like to
3 ask Evan Stone of KWN radio if he would lead us in
4 the invocation and Pledge of Allegiance.

5 (Thereupon, the invocation and
6 Pledge of Allegiance were given.)

7 MR. BRANDON: I'll call the meeting to
8 order. This is the regularly-scheduled meeting of
9 the Dade County Commission which takes place at the
10 same time on the first Thursday of every month.
11 Proper notice of this meeting was given to the legal
12 organ of Dade County and posted in the hallway of
13 the Administration Building. I'll call the roll and
14 have it recorded by the clerk. Mr. Lowery?

15 MR. LOWERY: Here.

16 MR. BRANDON: Ms. Moore?

17 MS. MOORE: Here.

18 MR. BRANDON: Mr. Pittman?

19 MR. PITTMAN: Here.

20 MR. BRANDON: Mr. Young?

21 MR. YOUNG: Here.

22 MR. BRANDON: And the chair is present.
23 We have a forum and, therefore, a legal meeting.

24 The reading of the minutes of the past
25 six meetings have been provided to all of the

1 commissioners and will not be required to be read in
2 this meeting because they've all been given copies
3 in advance. The minutes are public record and
4 available for review in the county manager's office.
5 The minutes are included in the consent agenda as
6 well as a few items which were discussed in the work
7 session. At this time I will ask the county clerk
8 to read the consent agenda items that will be voted
9 on with the minutes.

10 MR. TOWNSEND: Okay. That's Michael
11 Borne regarding the JMS Rail Spur Grant, the
12 resolution to do that. We have authorized
13 signatories for all five commissioners including the
14 rule of the up to 10,000 for Ben. Over 10,000 will
15 require two signatures including one from Ben and
16 another commission. If it's anyone other than Ben,
17 then it's two signatures required and all five of
18 you will be authorized. I'll get the signature
19 cards for that.

20 Arcadis, new court facility update,
21 which was approving the number 11 work authorization
22 and custodial janitorial bid that was submitted by
23 CMS. Number seven was the North Georgia Community
24 Action Incorporated lease agreement and number eight
25 is the ground water services contract for renewal.

1 MR. BRANDON: Okay. We have the
2 consent agenda and the minutes. Do I have a motion
3 that we approve the minutes and the consent agenda?

4 MR. LOWERY: I make a motion that we
5 approve the minutes and the consent agenda.

6 MR. BRANDON: I have a motion. Do I
7 have a second?

8 MR. PITTMAN: Second that motion.

9 MR. BRANDON: Mr. Pittman seconds.
10 I'll call the roll. Mr. Young.

11 MR. YOUNG: Yes.

12 MR. BRANDON: Mr. Lowery?

13 MR. LOWERY: Yes.

14 MR. BRANDON: Mr. Pittman?

15 MR. PITTMAN: Yes.

16 MR. BRANDON: Ms. Moore?

17 MS. MOORE: Yes.

18 MR. BRANDON: The consent agenda and
19 the reading of the minutes have passed.

20 Moving on with the regular agenda, I'll
21 give the executive update. We always start with
22 results and here at the year-end, we have some
23 preliminary numbers that won't change very much.
24 You always end up with some bills that are paid in
25 the following year, but it shouldn't affect the

1 results very much.

2 Overall, county-wide we finished about
3 97 percent, 96.78 percent on expenses, which is only
4 the second time in, I think, 12 or 13 years where we
5 have finished under our assigned expense budget, so
6 that's a very good thing. Most departments were
7 under budget. All the commission departments, the
8 ones reporting to the commission office were under
9 budget once you apply the DOT grants to the
10 transportation budget. So we did very well last
11 year in staying within the assigned budget.

12 We were a little bit under on revenue
13 since we didn't have any fall revenue from property
14 taxes. We came up over a million dollars short on
15 revenue, but again, we were -- through some pretty
16 good cash management by our office staff, we were
17 able to get through the rest of the year without
18 running out of money and it's a tribute to them that
19 we did that. That is the extent of the executive
20 update that I want to report on.

21 Moving on, we have a few other things
22 on here is that the county clerk added. I'll ask
23 him to address those.

24 MR. TOWNSEND: We have approval of vice
25 chairman. I didn't know if this was something you

1 always do every other year. Since this past year
2 was an election year, you do have two, I guess, that
3 were reelected. The board had not changed. If you
4 don't want to change, you don't have to. We can
5 charge a new vice chair tonight or if you want to
6 continue with the one you've got. And the other was
7 appointment of committees. You may or may not
8 choose to do that.

9 MR. LOWERY: The appointment of
10 committees, I believe is up to Ben.

11 MR. BRANDON: It depends. Do we have
12 any sense that we want to change the vice chairman,
13 currently Commissioner Lowery? So since we don't
14 need to change that, we don't need to vote on it.
15 On the appointment of committees, on that issue, the
16 committee concept was what we had when we had a
17 hired county manager and then when we would lose a
18 hired county manager, you would have to have
19 committees to run the day-to-day operations of the
20 county. So if we -- if you think you want to go
21 back to the committee concept where you want to have
22 people directing each of the departments, then I
23 would ask for you to tell me who wants to be on what
24 committee and we'll certainly put you on there.

25 MR. LOWERY: The E911, I'm on it and

1 the building, I wouldn't mind being on it.

2 MR. BRANDON: All right. So Lamar is
3 on E911 and building.

4 MR. LOWERY: Those are not necessarily
5 the same kind of committee like the personnel and
6 finance. I mean, it's really a different type --
7 those are just sitting on them board meetings.

8 MR. BRANDON: Okay. Finance?

9 MS. MOORE: I don't mind being on that.
10 I think I was on it.

11 MR. BRANDON: Okay. Ms. Moore is on
12 finance. Personnel?

13 MS. MOORE: I wouldn't mind being on
14 that one either.

15 MR. BRANDON: Okay. Ms. Moore is on
16 personnel. Fire and rescue?

17 MR. LOWERY: I wouldn't mind being on
18 that.

19 MR. YOUNG: I wouldn't mind being on
20 that.

21 MR. BRANDON: Okay. So --

22 MR. LOWERY: Do you want one on each
23 one, Ben, or --

24 MR. BRANDON: It's up to y'all.

25 MR. LOWERY: Three of us can't be at a

1 meeting without advertising it.

2 MR. BRANDON: That's for y'all to
3 decide.

4 MR. LOWERY: That's for you to decide.
5 You make the appointments.

6 MR. YOUNG: Committee meetings.

7 MR. BRANDON: So fire and rescue, David
8 and Lamar. Okay. Parks and recreation?

9 MR. PITTMAN: I'll be on parks and
10 recreation.

11 MR. BRANDON: What are we missing here?
12 Public works? Public works?

13 MR. YOUNG: I wouldn't mind being on
14 that.

15 MR. BRANDON: David. Anybody else?
16 Okay. Let the record reflect that this is not --
17 doesn't require a vote. The finance committee,
18 Ms. Moore. Personnel committee is Ms. Moore. E911
19 is Commissioner Lowery. Fire and rescue is
20 Commissioner Lowery and Commissioner Young.
21 Building is Commissioner Lowery. Parks is
22 Commissioner Pittman. I can't read my own writing.
23 And public works is Commissioners Young and Lowery.
24 Any other comments?

25 MR. YOUNG: I wouldn't mind being on

1 parks also.

2 MR. BRANDON: We'll add Commissioner
3 Young to parks.

4 MR. PITTMAN: I'll be on the building.

5 MR. BRANDON: And add Commissioner
6 Pittman to building. Any others? Okay. So moved.

7 Moving on to appearances, we have the
8 standing appearance by the mayor of the City of
9 Trenton. I would ask him to come forward at this
10 time.

11 MR. EMANUEL: Good evening. Just for
12 my curiosity, how many people in attendance tonight
13 are residents of the city of Trenton? My bride is.
14 Oh, you've got your hand up. I learned a long time
15 ago to always appreciate the nature of the audience
16 to which you were addressing.

17 In looking at the topics I would like
18 to present for discussion tonight, I would like to
19 begin with financial. We ended fiscal year 2006,
20 which is also calendar year for the city, January
21 through December, on a very strong note. We have
22 over \$241,000 total in the black, 75 of which is
23 delegated for or earmarked for a contingency fund.
24 Then we're also -- we also would like to view
25 tonight the budget for 2007 and there are a lot of

1 ways to look at budgets. We prefer to look at it on
2 a line-item basis and compare it with our history.
3 And when you look at the budget for 2007 and compare
4 it against the budget in 2006, there is a \$223,942
5 increase over 2006. And to understand that, you're
6 forced to look at line item budgeting. We're
7 forecasting an income increase of \$223,942.

8 Georgia, I will remind you, requires municipalities
9 and I think all forms of government basically to
10 adopt a balanced budget approach to their budget.

11 Where is that \$223,000 coming from?
12 123,000 of it is coming from the local option sales
13 and usage tax. The strong growth that we've had in
14 retail sales in the city, we see no need or no
15 reason to really be overly concerned that they would
16 turn south on us and we're projecting continued
17 growth.

18 We're also showing a \$76,541 increase
19 in revenue under miscellaneous revenue and this
20 comes from the fact that we paid off the debt on
21 City Hall and we're managing that money from the
22 general fund -- back into the general fund from
23 local option sales tax. Under expenses, we show a
24 \$78,609 increase in financial administration. All
25 of that and including some dollars that are not

1 reflected in that 78,000 are related to the
2 contingency fund. What is the contingency fund?
3 The easiest way to think of a contingency fund is
4 your savings account, not your checking account. We
5 put money in the contingency fund to allow us to
6 manage unexpected expenditures that can and do occur
7 during the year.

8 There was a \$45,000 increase in
9 recreation and parks. That's attributed to the fact
10 that we converted part-timers to full-time employees
11 so that we can eliminate part-time employees and the
12 liability that go with them and also eliminate
13 overtime that is incurred without adequate staffing
14 of full-time employees.

15 Twenty-six thousand dollars in economic
16 and development. That and more is directly related
17 to the full-time employment of our better hometown
18 manager. \$24,994 increase in police. We will be
19 procuring a one -- possibly two new patrol cars and
20 we are also requiring all of our police officers to
21 undergo additional training. There's a \$20,695
22 increase in highway and streets. Paving materials,
23 because they're oil based, have skyrocketed and that
24 reflects in that increase. There's a \$19,630
25 increase in the fire department and all of that is

1 toward training the firemen that operate out of the
2 main fire station.

3 Anytime you're looking at budgets,
4 there are two variables that you have to be
5 concerned with. It's the same as if you're managing
6 your household income. The first is fixed income.
7 What is fixed income? In your home budget, it's
8 your mortgage. It's your car payment. It's things
9 that -- expenses that you're going to incur
10 regardless of the level of work that you perform,
11 regardless of the level of service that you perform,
12 regardless of the products that you may produce.

13 What's interesting in looking at the
14 2006 versus the 2007 budget is that the city
15 commissioners in my opinion have done an outstanding
16 job in controlling fixed expenses. Fixed expenses
17 were \$855,314 in 2006. They were only \$856,340 in
18 the 2007 budget. That's only an increase of \$1,025.
19 Outstanding job.

20 Then there's variable expenses. What
21 are variable expenses? Your power bill, your water
22 bill at home, your gasoline bill for your
23 automobile. The city has those same variable
24 expenses, but what really stood out as we were
25 working our way through the 2007 budget is that the

1 variable expenses had literally taken almost control
2 away from maintaining the previous year's budget.
3 Why? You buy gas just as we do. You buy oil just
4 as we do. You pay for services that are energy
5 related. Your health care expenses go up just as
6 ours have. Your retirement benefits are costing you
7 more, just as ours are.

8 But what is significant is that in
9 2006, variable expenses were only \$366,563. In
10 2007, they are projected to be \$589,479. That's a
11 \$222,000 increase. Now, just as you operate your
12 household income, you know, we're taken back and
13 we're trying to figure out where we're going to pay
14 for this, where we're going to get the money for
15 this, but that's a 60 percent increase in one year.
16 And that's the reason that we have elected to stay
17 with the 3.5 millage rate.

18 Millage rates get a lot of conversation
19 and rightfully so. The Taxpayer Bill of Rights
20 assures that each taxpayer, whether you're in the
21 city or whether you're in the county, you have a
22 right to an appeal process on your property
23 valuation. You have a right to attend public
24 hearings and voice your opinion about any increases
25 in your tax dollars. We've met all those rights.

1 We've had two public hearings for the citizens of
2 Trenton and then we had a third hearing for which we
3 adopted the budget. A tremendous amount of work
4 went into the 2007 budget. I'm very proud that we
5 controlled the fixed expenses. I'm worried as
6 anyone should be about the variable expenses, but
7 we're confident that the budget we're looking at in
8 2007 is the budget that is best for the City of
9 Trenton.

10 Quality of life issues, the Downtown
11 Development Committee is actively involved and the
12 Design Committee, they're looking for members to be
13 -- they're looking for people to be members of the
14 Historic Preservation Commission. So if you live in
15 the city and you want to volunteer for that, see
16 Peter Cervelli. Streetscape gets a lot of
17 conversation in print in the local newspapers. One
18 of the parts of streetscape would be a project known
19 as Creek Walk for Town Creek. Most of you Dade
20 Countians should be familiar with the fact that Town
21 Creek literally runs from the foothills -- from the
22 foot of Sand Mountain eastward to Lookout Creek. I
23 wish I could stand here and tell you we're going to
24 complete this trail in 2007, but that's not a
25 possibility. What is a possibility and a

1 probability is that we will complete a small portion
2 of it that is contained within the boundaries of
3 Jenkins Park, the city park.

4 What is a creek walk? It's simply a
5 developed landscape, paved walking track on both
6 sides of Town Creek that provide for exercise,
7 provide for a relaxed environment and that upgrade
8 the surrounding value of -- the surrounding
9 properties values.

10 Our facade program, you only have to
11 look over at Ace Hardware to see the results of
12 that. It's very impressive and a tremendous
13 improvement over just having a rectangular metal box
14 front type store. There's more to come.

15 City entranceway signs, I don't know
16 why we struggle with this, but we do. Between stone
17 and between steel and between wood and between
18 plastic, but we are going to have entranceway signs,
19 are we not, Mr. Cervelli.

20 Economic restructuring, Alan Ward is
21 the chairperson -- Vickie Seymour is the chairperson
22 of the design. I was remiss in not mentioning that.
23 Trenton Golf Course residential expansion is a
24 viable ongoing project. It's not in the city. It's
25 in the county, but the city is involved because

1 before it can become a reality, they have to be able
2 to hook onto the wastewater treatment facility
3 within the city. There's a collaborative effort
4 between the city and the county and the owners and
5 I'm optimistic that that will move forward in 2007.

6 There is a courtship going on with the
7 new technology business. I'm not at liberty to say
8 whom or what or who, but we're very optimistic that
9 we'll be bringing in a new technology business into
10 the Industrial Park. New technology means that it
11 would be above and beyond what we presently have in
12 the way of skill levels required. There's also
13 potential for further downtown development and
14 because of the nature of the negotiations, they
15 remain confidential as well.

16 I am pleased to report that on animal
17 control, we do have the draft from the city
18 attorney. We're putting the finishing touches on it
19 and it will be submitted to the animal control
20 collaborative for their review early next week and
21 then it will be reviewed in the Monday City
22 Commissioners' meeting for their approval and then
23 it will come and be presented to the County
24 Commissioners prior to their February meeting. So
25 that's moving forward.

1 I've taken enough time. I appreciate
2 your time. I appreciate your patience and I
3 appreciate your support for the City of Trenton.

4 MR. BRANDON: Thank you, Mayor. Next
5 under appearances, we have David Carroll from the
6 Dade County Chamber of Commerce.

7 MR. CARROLL: I appreciate you allowing
8 me to speak to you and let you know that the Chamber
9 of Commerce is doing well for the people of Dade
10 County. This past quarter we had three new
11 businesses that have joined and 21 renewals done in
12 the past quarter. We had a Leadership Dade class
13 that we sponsored in November. We graduated five
14 new leaders to use their tools to help make the city
15 and the county a better place.

16 To support the Dade County Historical
17 Society, we had 19 quilts bid on at the Chamber. We
18 sold seven of those quilts and the remainder, as
19 planned, is supposed to be sold on EBay by the Dade
20 County Historical Society. We received word from
21 the state tourism department that we at the Chamber
22 will be a regional visitor information center.
23 Approaching businesses both inside and outside of
24 Dade County to be a patron sponsor. That's going to
25 help raise funds for the Chamber this coming year.

1 Hutcheson Medical Center has already agreed to be a
2 patron sponsor of our Chamber and to invest in the
3 Chamber. I'm on a committee with the Historical
4 Country Tourism Department and they work with the
5 visitor information center personnel and we're going
6 to work on getting magazine writers as well as
7 inviting the media to come and look at our area so
8 they can go back and tell how such a great place the
9 northwestern part of Georgia is. We're also
10 contacting Couch Tour Companies to promote our area
11 as a destination stop.

12 This past quarter we had ribbon
13 cuttings for Showtime Rentals, JMS Metals and Ken on
14 Main. Also, the winter -- an opportunity for
15 tourism throughout all the Chambers in the state.
16 That will be in Rome on March 4th and 5th and we
17 had a very successful Veteran's Day Parade this past
18 November. Bill Lockhart of the American Legion did
19 real well in planning that and executing all the
20 activity.

21 You'll be hearing a lot in the near
22 future about the Civil War Commission. It's
23 starting early planning. It's a septennial
24 celebration. It's going to be 150th year of the
25 celebration of the Civil War beginning in 2011 and

1 we're going to be a part of that. Also, along that
2 same subject, the Chickamauga Campaign Trail runs
3 through Dade County and when the signs are erected,
4 we're going to have 14 stops for people and visitors
5 from all over the country to come and tour our
6 particular county. Some of the people in the
7 businesses represented in this room have already
8 bought some of the signs.

9 We had a very successful Christmas
10 parade and we had it on the day it was scheduled
11 this year and we had wonderful weather. It was
12 sponsored by the Chamber and the Christmas in the
13 Park sponsored by the DBA and nobody really sees the
14 behind the scenes activities that go on, but Rex
15 Harrison and Peter Cervelli and all of the people
16 from the Chamber that helped out on that deserve a
17 great deal of thanks.

18 We're also going to promote tourism by
19 helping with the bike route on Town Creek as the
20 mayor talked about and also I've attended the
21 Tri-State Council Chambers, as well as the Georgia
22 Chamber of Commerce Executive Leadership Program to
23 learn about what other chambers are doing so that we
24 can do some of the things that they do in our
25 particular county.

1 We also helped Keep Dade Beautiful with
2 the pictures for the calendar and there were about
3 150 pictures taken with about 14 that were chosen
4 for this year's calendar. There were 13 from this
5 year and one from last year. We do have calendars
6 available at the Chamber and I believe even Lamar
7 Lowery has some of them available.

8 MR. LOWERY: Five dollars.

9 MR. CARROLL: Five dollars. Thank you.
10 I appreciate it.

11 MR. BRANDON: Thank you, David. Next
12 up, we have Mr. Garside who's been asked to -- who's
13 been put on the agenda by Ms. Moore. Mr. Garside,
14 if you'll come up, please.

15 MR. GARSIDE: Ms. Moore and
16 Commissioners, thanks for having me here. This is
17 sort of the first time I've been here to talk about
18 something, so I hope I get it all right.

19 I'm a resident of Dade County, have
20 been for seven years. I live up on South Moore
21 Road, which is up the hill on 136. And one thing
22 that apparently everybody in Dade County knows
23 except the Commissioners, we have landfill already.
24 We have one. That landfill begins at the foot of
25 Lookout Mountain on 136.

1 UNIDENTIFIED CITIZEN: I thought it was
2 Sand Mountain.

3 MR. GARSIDE: You know, I haven't been
4 up there. It goes all the way to the top of the
5 mountain. Now, I'm certain there's other places
6 like that and I'll get to that in a minute. But I
7 would like to regress to a week before the holidays.
8 I had a friend over and he is also a commissioner in
9 the northeast corner of Georgia. And one morning we
10 come down for coffee and we drive down the hill and
11 we get at the foot of the hill and he looks over at
12 me and says, so do you have people come pick up your
13 garbage? And I looked at him and I knew he was
14 baiting me. I said, why, what's going on? He says,
15 you've got more garbage from your house down to the
16 foot of the hill than you can shake a stick at.

17 Particularly when I called Ms. Moore, I
18 had one place in mind. It's about three quarters of
19 a mile this side of Geneva's Restaurant and there's
20 a house. It's falling apart and somebody was
21 allowed to put up a garage sale apparently last
22 summer. I understand the property owners are out of
23 town and they're probably not aware of the mess that
24 it looks like, but for Dade County I think this is
25 an embarrassment and I can't believe that our

1 citizens and our leaders of this county have allowed
2 to have that garbage there that long. It blows all
3 over. So I started looking into it and I found out
4 that we don't even have an ordinance or if I can say
5 it plainly, a law that says you cannot litter your
6 property.

7 I understand that a few years back the
8 Commissioners got a lot of heat and put their tail
9 between their legs and decided not to go the route
10 of making an ordinance to keep your property clean.
11 I would like to have you maybe review that and look
12 at it perhaps in another direction. Instead of
13 including everything, the cars, the broken down
14 tractors, everything else that is in somebody else's
15 yard. Let's just look at the debris. If we could
16 present an ordinance just for the debris, the
17 papers, things that can fit in a plastic bag so this
18 area, the county looks a little bit better.

19 We need a lot of chain gangs to clean
20 up our highways. 54 looks horrible. The road here,
21 you mentioned Sand Mountain. It's an embarrassment
22 to have people come in and see this county like
23 this. The roads that are the best are Scenic
24 Highway and Burkhalter Gap. Those are the roads
25 that I constantly come down and see that they're

1 clean. It's an embarrassment to see this, so I'm
2 asking you as Commissioners to take the lead on this
3 and see if you can come up with something where the
4 citizens would agree to some kind of ordinance where
5 people aren't throwing trash in their yards and the
6 debris and everything else.

7 I mean, for the price of picking up
8 your garbage going up and up, why don't we just all
9 leave out -- put our garbage in our front lawn. I
10 mean, this is what some people seem to be doing and
11 I would like to see the law enforcement take hold of
12 this and our community leaders do this.

13 Now, just on the way down, this new
14 landfill they I mentioned earlier about, I would
15 just like to briefly -- there's eight pull-offs
16 coming down from the top of the mountain down to the
17 first house. There's eight pull-offs. The first
18 one I just drove by and I looked. They're all on
19 the left-hand side coming down the hill. There was
20 a TV set. Nothing I could use, so I left it there.
21 All right. I went to the next pull-off and there
22 were tires and debris flowing all over. Now, these
23 you have to get out and look over the edge. All
24 right. So there's more debris.

25 The third stop, there was bags of

1 garbage and a stove. The fourth stop, here's the
2 good one, there was garbage and a tub. There was a
3 tub thrown down over the back. Tires, I don't know
4 how many tires. And then from the switchback to the
5 next one, in other words, the real sharp turn to the
6 other turn, I believe there were two pull-over areas
7 and this is where the county -- again, this is an
8 embarrassment. This is where they county had
9 cleaned the ditches, taken the excess dirt and put
10 it -- dumped it on the -- where the trucks and cars
11 can pull over, which is good, had it plowed over,
12 but I personally watched this. They dump it and
13 pile it over and they covered up some of the
14 garbage.

15 MR. BRANDON: That's a state
16 right-of-way. We didn't do that.

17 MR. GARSIDE: I'm just saying all the
18 way down. There's a lot of things. I don't know
19 who's responsible, but I know that you people here
20 can do something about some of this because it's
21 horrendous. And so they covered up some of the
22 garbage. Some they left and there's still some
23 there.

24 So on the next pull-over before the
25 switchback, there were tires and garbage there.

1 There was a deer carcass thrown over there and a
2 dead cat. Okay. And I thought that was strange,
3 but around farther down the hill at the rest of the
4 stops, I found numerous tires. One spot had over 50
5 tires and I quit counting. Now, I know with this
6 West Nile disease, we've had some problems with the
7 birds and stuff. I mean, this is an issue with the
8 mosquitoes coming in and stuff like this. The smell
9 was atrocious and I looked over and this is when I
10 saw another -- a third dead carcass there and I
11 moved away from it and the smell wasn't so bad.

12 UNIDENTIFIED CITIZEN: I think you've
13 got us beat.

14 MR. GARSIDE: Now, I've seen the
15 kitchen sink. I've seen the tub and I've seen the
16 stove and you know what, I thought I saw it all, but
17 I saw a dead cow, a carcass of a cow. Now, I may be
18 wrong, but it looked like a Jersey cow to me. Now,
19 there's just no excuse for this. Stuff like that
20 reflects on people that come down in our city and
21 the city here and throw garbage around.

22 I mean, I was at the post office today.
23 There was a cigarette thing to put your cigarettes
24 in and there's -- you can't walk in without stepping
25 on cigarettes. I think that we need to take a lead

1 of getting this county looking beautiful and taking
2 some pride in it and teaching our kids not to throw
3 a banana out the door, which I saw yesterday. You
4 know, just ate a banana and the guy just threw it
5 out the door. Didn't care. We need a little bit
6 more pride in this county and I think it will go a
7 long ways to do this.

8 Getting back, please look into
9 something that maybe everybody in this county can
10 swallow as far as an ordinance of keeping your yard
11 clean of some light debris where the wind blows it
12 away and maybe all this cleaning stuff will catch on
13 a little bit. I appreciate your time.

14 MR. LOWERY: How many times have you
15 been to Dade County Beautiful?

16 MR. GARSIDE: I'm sorry?

17 MR. LOWERY: Do you know what Keep Dade
18 Beautiful is?

19 MR. GARSIDE: Yeah, and it doesn't
20 happen, does it?

21 MR. LOWERY: That's what I'm saying.
22 You've never been there because, yes, sir, we get
23 out and we pick up trash on the side of the road.

24 MR. GARSIDE: I'm familiar with the
25 people that get out and pick up the trash and

1 everything else. I have been -- in my job, I've
2 been to Alabama, half of the counties in Alabama. I
3 have been to all of the counties last year of
4 Mississippi and I don't see the garbage there that I
5 see in this county. It just -- it lacks in pride
6 and I know that people get out there and try to keep
7 it clean, but maybe our law enforcement needs to lay
8 on some big fines. Something has to be done where
9 people dump their garbage somewhere else. It is an
10 embarrassment.

11 MR. FOWLER: Sir, where are you from?
12 Where are you from?

13 MR. GARSIDE: Does it matter where I'm
14 from? I am from Wisconsin, New York and Florida.

15 MR. FOWLER: That's what I figured.
16 Thank you.

17 MR. GARSIDE: Is that bad?

18 MR. FOWLER: Thank you.

19 MR. BRANDON: Order, please.

20 Okay. Moving on to fiscal matters,
21 I'll ask the county clerk to read the financial
22 report, please.

23 MR. TOWNSEND: Okay. As of
24 January 1st, 2007, drug education fund had a
25 balance of \$103,889; federal assistance fund,

1 \$8,743; special sheriff's fund, \$25,734; jail fund,
2 \$36,290; juvenile services fund, \$6,933; payroll
3 account, \$2,450. General fund 3,000 -- I'm sorry,
4 \$331,585.

5 Under S.P.L.O.S.T funds, total P&I fund
6 balance, \$907,060. And under total capital bond --
7 capital bond fund balance, we have 924,986. If you
8 look on the -- and then below there, the
9 Commissioners will see the different fire
10 departments that have remaining money in their
11 budget.

12 If you look on the next page, you'll
13 see a breakdown now that we talked about last
14 commission meeting and that was the purchase of
15 several CDs. I did go to the bank and I looked at
16 both banks and chose Bank of Dade based solely on
17 the rate that they offered at that time and the
18 interest rate, we've got now four percent. We've
19 got five CDs for principal and interest account.
20 Each of those are \$50,000 for a six-month term at
21 four percent interest and in the capital bond
22 account, we've got a balance there of 900,000
23 invested in CDs. Eight of those are at six-month
24 and five are only a 90-day. The six-month CDs are
25 at a 4.25 percent interest rate. And the 90-day

1 certificates are at a 1.57 percent interest rate.
2 The \$500,000 CD that we had in the Bank of Dade did
3 mature in late December. It was only drawing
4 0.50 percent interest and it was that way it looks
5 to me for two years. That alone if we had invested
6 it in a CD two years ago at a higher rate, it would
7 have been about \$67,561.64 in interest. That's lost
8 income. So that's why we need to try to continue to
9 invest our money in CDs. Like I said, that's why we
10 put them in increments of \$50,000. We do have five
11 at \$100,000, but this way, if you do have to cash
12 one out to get to it, you only have to pay the
13 penalty on that one CD versus one large CD. We're
14 not losing any income on the difference in the
15 principal amount.

16 The P&I account, principal and interest
17 account CDs, that interest is going into a new
18 account that the county attorney and I have talked
19 about that titles principal and interest debt
20 services account and that account will be used to
21 accrue an amount to reduce the annual payment on our
22 debt services. We have an annual one time a year
23 debt service and there is a midterm payment. It's
24 much smaller, but we're looking at about 1.4 million
25 sometime in October, September, October to make that

1 payment and we are doing fine there.

2 As time goes on, my goal is to try to
3 continue these 50,000 or \$100,000 around the 15th
4 of each month so that they mature and continue to
5 draw a little bit better interest than they were
6 before. You see the rates at the top there on the
7 first page. Citizen's Bank is paying 0.25 percent
8 on the NOW accounts and Bank of Dade is paying
9 0.5 percent. I don't recommend that we move any
10 money over a quarter of a percent. I'm just letting
11 you know that's what they're currently listed at.

12 With the income coming from the general
13 fund and revenues expected from the tax collections,
14 it should be rather high in January and February.
15 So it would be recommended that we look at possibly
16 investing a little bit of that in very short term
17 CDs, maybe 90 days. I don't think we should do
18 six-month CDs because we're probably going to need
19 to tap into that money rather quickly, but we could
20 use some -- if we had a little bit of interest off
21 that money, sometime in maybe February, we could
22 look at purchasing one or two CDs. That's the
23 financial report.

24 MR. BRANDON: You might want to check
25 with the Department of Revenue on our S.P.L.O.S.T

1 revenue coming in and having it deposited into that
2 P&I debt service account instead of the one it's
3 going into now so that when it accrues there, we'll
4 know when we've reached the threshold to be able to
5 pay the bond payment in October and the interest
6 payment as well. Until then -- we'll accrue it
7 fairly rapidly, but it should be about July when
8 we've accrued enough and then you can start sweeping
9 that account every month and moving it over to
10 whatever account.

11 Okay. Thank you. I will look to the
12 county attorney for any outstanding legal matters
13 that we might have.

14 MR. ROGERS: No, there's not.

15 MR. BRANDON: No legal matters. Old
16 business, there is none that I know of.

17 Moving on to new business, the first
18 thing that I have on the agenda is the budget,
19 passing of the approval of the budget for 2007,
20 which we discussed at the work session. I need a
21 motion to approve the budget. Do I have a motion to
22 approve the 2007 budget as offered at the work
23 session?

24 MR. YOUNG: I make a motion we approve
25 the budget.

1 MR. BRANDON: I have a motion. Do I
2 have a second?

3 MS. MOORE: I'll second the motion.

4 MR. BRANDON: Ms. Moore seconds. Is
5 there any discussion? The reason this is on the
6 regular budget instead of the consent agenda is
7 because I think Don has done a great job of
8 whittling and paring and basically nickel and diming
9 where appropriate in getting the budget down to a
10 more reasonable amount. The only problem I have
11 with the budget is that we -- I think we're doing
12 ourselves and our employees a disservice because we
13 told them last January that if they would act right
14 and follow the MBOs, the management by objective
15 goals that we gave them and do better than their
16 peers, they would get a bigger raise and we've
17 managed to cut that out. I know we gave a cost of
18 living adjustment to everyone, but that would have
19 been in there anyway and I am disappointed that we
20 didn't do that and we chose to fund other things
21 instead of the merit increases, which we had
22 promised people and for which we spent a lot of
23 effort over the year in doing these monthly and
24 quarterly appraisals and writing up appraisals and
25 keeping people on pins and needles about whether

1 they're doing better than their peer and whether
2 they're going to get a bigger raise or not and now
3 then we are backing out on that and that was my only
4 comment about the budget.

5 We have a motion and a second. I will
6 call the roll. Mr. Young?

7 MR. YOUNG: Yes.

8 MR. BRANDON: Mr. Lowery?

9 MR. LOWERY: Yes.

10 MR. BRANDON: Mr. Pittman?

11 MR. PITTMAN: Yes.

12 MR. BRANDON: Ms. Moore?

13 MS. MOORE: Yes.

14 MR. BRANDON: And the chair votes no.

15 Next up on the agenda we have some
16 things that we need to carry over from the work
17 session because we ran out of time. At this time
18 I'll turn it back over to the clerk for -- to
19 address these individually.

20 MR. TOWNSEND: Okay. Number nine on
21 the workshop agenda is the BFI/Allied Waste
22 Management contract. Now, you see number ten you'll
23 see that transfer station policy. That's what we
24 had a minute ago. First, I think Sarah had a
25 comment or something from -- I guess he's a land

1 owner in Dade County. I'm not sure if he was going
2 to be here tonight.

3 MS. MOORE: Actually, I'm looking for
4 that contract. Well, here it is. I had received a
5 call from a resident in the county that the contract
6 that we had previously -- it was BFI and is it
7 Allied Waste now? They changed their name.

8 MR. BRANDON: It's Waste Management.

9 MS. MOORE: Waste Management. And they
10 had stopped picking up garbage in certain areas.
11 But at first when he approached me, I thought he
12 meant that this company wasn't picking up garbage at
13 all, but then I began to investigate the matter and
14 it appears when I reviewed the contract that this
15 contract we had with them had expired. And in this
16 contract -- and I know we had a lot of complaints
17 that they had gone up in their garage service.

18 Well, as part of this contract, they
19 were not to go up with their garbage service. So
20 when it started going up, I didn't really go back
21 and review the contract until all this other came up
22 about it and it had just simply expired and then
23 when it had, well, they went up with their costs.
24 And so now we are operating, according to the
25 information I have, here without a contract.

1 MR. BRANDON: Well, I think that's for
2 residential pick up.

3 MS. MOORE: It is for residential.

4 MR. BRANDON: I don't think BFI is
5 picking up residential anymore, are they?

6 MS. MOORE: Yes, they are.

7 MR. BRANDON: Is anyone using BFI for
8 residential pick up?

9 MS. MOORE: BFI trucks are running.

10 MR. TOWNSEND: It's Allied Waste or
11 Waste Management. They changed the name.

12 MS. MOORE: They changed the name.

13 MR. LOWERY: The trash cans says Allied
14 Waste on them.

15 MS. MOORE: So then a lot of residents
16 switched over to another independent company who
17 never had a contract with us and that was the reason
18 because their costs were lower. And so we as a
19 Commission need to look into -- and I had talked
20 with our county attorney about that and he was going
21 to contact the folks concerning this contract and
22 see. So did you get some information, Robin?

23 MR. ROGERS: No. I think what I was
24 going to suggest to the Commission is that either
25 the chairperson or the Public Works Committee, I

1 think that was formed, ought to take a look at not
2 that contract, but the other two entities in the
3 county that I think are picking up and collecting
4 trash as well as depositing at the transfer station
5 and if we don't have contracts with those, to come
6 up with some comprehensive policy to deal with all
7 of them.

8 The reason I think that's important is
9 because as Commissioner Moore had set out is that
10 part of the contract we had initially with BFI was
11 that they charged a lower fee to the residents for
12 picking up the trash in exchange for charging them a
13 lower fee for dumping the trash at the transfer
14 station. So that was a system that was in place and
15 we need to somehow, I think, get back to that with
16 all the entities that are collecting trash. As I
17 understand it right now, we don't have a contract
18 with any of the three and I think there are three.

19 MS. MOORE: Not according to this.

20 MR. ROGERS: So that would be my
21 suggestion and recommendation to the Commission. I
22 would be happy to work out a contract with any or
23 all of them. I really do think that a lot of that
24 will involve some policy type decisions on you all's
25 part about if you'll continue on with that same

1 frame work or what have you. I really do think that
2 I would need some guidance from you all about those
3 sorts of considerations in developing a contract and
4 I would ask either the chairperson or a committee to
5 be appointed.

6 MS. MOORE: Well, this one actually ran
7 out in June and no one had picked up on that. We
8 need to -- that's something I would like for whoever
9 is on that committee with Ben to come up with
10 something on this.

11 And on that same note, we did receive a
12 letter that someone had a conflict about the price
13 that they were charging. Should we direct -- have
14 that person address that at this time? You do have
15 a letter.

16 MR. ROGERS: I think the county did
17 receive a letter from someone who was contesting the
18 charges that they were being required to pay and
19 what I would suggest, Commissioner Moore, is that
20 that item be included within the frame work of
21 whoever is looking at the contracts with these
22 entities and see if that can be addressed as well.
23 That would be my suggestion.

24 MR. BRANDON: We basically have two
25 classes of -- two classes of companies who come down

1 to the transfer station. You have people picking up
2 residential garbage and you have commercial garbage.
3 If there's another one, I don't know what it would
4 be. So you basically need to treat those two
5 separately, but we do need a policy that applies to
6 everybody the same.

7 We also need to relook at our tipping
8 fees versus what we are -- what we're charging
9 versus what we're paying to take it off because
10 right now they're very close and while you can't
11 look to make money on trash, you need to make sure
12 that you're covering to the extent that you can what
13 it costs you to run the organization down there. So
14 I would ask the committee to look at that as well.

15 I'll kick it back to the clerk for the
16 next item on the agenda.

17 MR. TOWNSEND: Next thing on the agenda
18 is the policy and procedures and that's the transfer
19 station policy.

20 MR. ROGERS: Following the last
21 meeting, I was asked to develop an ordinance or
22 policy dealing with the disposal of soil, rock and
23 other materials such as that that was damaging the
24 equipment down at the transfer station. So I have
25 prepared a proposed ordinance for y'all to take a

1 look at that would essentially not allow the
2 disposal of those types of materials, soil, rock,
3 sheetrock, sand, concrete, all those types of inert
4 materials that were causing a problem. As I
5 understand, there was -- essentially we have two
6 different issues here, although they're both kind of
7 related to the transfer station. One of which is
8 this issue, the one, the dumping or the disposal of
9 those sorts of materials that were causing a problem
10 and damaging the equipment of the county and then
11 the other issue is kind of a more global thing that
12 we need to build some sort of policy or contract to
13 deal with those people who are collecting trash. So
14 this deals with the first one of those.

15 It was my understanding that you all
16 wanted to prohibit the disposal of those sorts of
17 materials. Now, one thing I did not include in this
18 because I really wasn't sure after the meeting and
19 since then if there was a consensus about whether to
20 also prohibit the disposal of construction materials
21 and I heard a couple of things. I think some of you
22 were in favor of that, of prohibiting the dumping of
23 all construction materials and some others wanted to
24 simply maintain the dumping with a price with the
25 \$50, I think, per ton tipping fee. I wasn't clear

1 about that. But the proposed ordinance that I have
2 would be easily revised to include language, dump
3 the construction materials if you wanted to do that.

4 MR. LOWERY: I think we want to do
5 that. I think we want to charge \$50 a ton. I think
6 you've got sheetrock on this one too, but I think
7 that needs to be taken out. I think construction
8 debris would hurt our equipment. This other stuff,
9 the soil, sand, rock and debris. Is Billy -- what
10 do you think about that, Billy, the soil, the sand,
11 rock and bricks?

12 MR. MASSENGALE: Basically, all I'm
13 thinking, that would be the only thing. Sheetrock
14 is not going to hurt it. We haul quite a bit of
15 sheetrock with no problem. The only think about
16 rock is we've got aluminum bed floors and they're
17 kind of lightweight. They're walking floors. If
18 you have to dump rock and concrete in or sand gets
19 in them and they won't walk off the material.

20 MR. LOWERY: Thank you. The sheetrock
21 might need to be changed.

22 MR. ROGERS: Yeah. We can substitute
23 concrete for the word sheetrock.

24 MR. BRANDON: Any further discussion on
25 this? Is there a sentiment to adopt this ordinance

1 at this point?

2 MR. LOWERY: Do you have a number on it
3 or assign it one later? Just assign it one.

4 MR. TOWNSEND: It will be recorded in
5 the minutes. We assign the --

6 MR. BRANDON: Do I have a motion that
7 we adopt the ordinance to amend the solid waste
8 collection disposal policies of Dade County?

9 MR. LOWERY: I make that motion.

10 MR. BRANDON: I have a motion by
11 Commissioner Lowery. Do I have a second?

12 MS. MOORE: I'll second that motion.

13 MR. BRANDON: I have a second by
14 Ms. Moore. I'll call the roll. Mr. Young?

15 MR. YOUNG: Yes.

16 MR. BRANDON: Mr. Lowery?

17 MR. LOWERY: Yes.

18 MR. BRANDON: Mr. Pittman?

19 MR. PITTMAN: Yes.

20 MR. BRANDON: Ms. Moore?

21 MS. MOORE: Yes.

22 MR. BRANDON: The motion passes.

23 Moving on, I'll turn it back to the
24 county clerk.

25 MR. TOWNSEND: Public transportation

1 policy, I believe Commissioner Moore told me that
2 she would like to take that up at a later date.

3 MS. MOORE: Right. We need to really
4 do some more research on that.

5 MR. TOWNSEND: Travel policy, Lamar.

6 MR. LOWERY: In order to make sure --
7 this year we're dealing on a little more limited
8 budget with our travel money, I'm asking that the
9 Commission approve all travel and training for
10 everyone that falls under the Commission's control.
11 That wouldn't be the constitutional officers or any
12 boards, but any other department that's under the
13 Commission control, travel will be approved
14 before -- travel and training will be approved.
15 That would be my motion. Or the Commissioners
16 approve all travel and training.

17 MR. BRANDON: Well, I'm not sure why
18 it's a problem since we were so far under budget for
19 the entire -- we had budgeted. We're only at
20 60 percent for the entire year. So I'm not sure why
21 that's an issue. What's the -- well, we'll do this
22 the right way. We have a motion. Do we have a
23 second?

24 MR. YOUNG: I second it.

25 MR. BRANDON: We have a motion and a

1 second. Let's discuss this. What's the -- to what
2 extent is this going to apply? I mean, for --

3 MR. LOWERY: Travel and training.

4 MR. BRANDON: -- travel and training.

5 If there's any -- I mean, are we going to have to
6 call an emergency meeting if somebody wants to take
7 a class that's next week or anticipates going to?
8 Why would this not just be under the control of the
9 department heads since they all have budgets that
10 they're expected to stay within? Why would you not
11 expect them to just be good stewards?

12 MR. LOWERY: I want to make sure that
13 it's going to be all level, everybody gets the right
14 amount of training.

15 MR. BRANDON: But they already have
16 that in their budgets now. We spent seven months
17 making sure that they have that amount in their
18 budget. So now you want them to have to come and
19 ask for permission to spend what's in their budget?

20 MR. LOWERY: Right. Our budget, just
21 so we'll make sure what's -- make sure it's working.
22 Make sure what we're spending the county's money on
23 is worthwhile.

24 MR. BRANDON: Shouldn't that be at the
25 discretion of the person that's being held

1 responsible for the budget?

2 MR. LOWERY: I'm being held responsible
3 for this budget at the end of the year.

4 MR. BRANDON: Everybody is. Again,
5 this seems unnecessarily cumbersome, but any other
6 discussion on that?

7 MR. YOUNG: I think since it's such a
8 tight year, maybe this might be a good thing to do.

9 MR. BRANDON: Okay. I'll call the
10 roll. Mr. Young?

11 MR. YOUNG: Yes.

12 MR. BRANDON: Mr. Lowery?

13 MR. LOWERY: Yes.

14 MR. BRANDON: Mr. Pittman?

15 MR. PITTMAN: No.

16 MR. BRANDON: Ms. Moore?

17 MS. MOORE: Yes.

18 MR. BRANDON: And the chair votes no.

19 The motion passes though.

20 All right. Moving on, we have a --
21 back to the county clerk.

22 MR. TOWNSEND: Vehicle policy, Lamar.

23 MR. LOWERY: On this policy, I want
24 to -- there's three things. I think David has been
25 working on a vehicle policy and he'll probably add

1 some more to it later, but for right now, the main
2 thing I want to go back over, I think we've already
3 talked about this one, but some people don't seem to
4 be abiding by it, is that all County vehicles need
5 to have a sticker on both sides of their vehicles,
6 either the small ones -- Billy, I think you said you
7 had the small and the large?

8 MR. MASSENGALE: We've got small and
9 large. We've got -- we've not got but a couple of
10 the large, but we've got several of the small.

11 MR. LOWERY: The other one is no
12 smoking in county vehicles. I don't know if that's
13 already a policy or not. That's to protect
14 nonsmokers from second-hand smoke. And the third
15 one is only vehicles that should be driven home are
16 those that are used for emergency services after
17 hours.

18 MR. BRANDON: Okay. We have a motion.
19 Do we have a second?

20 MS. MOORE: I'll second that motion.

21 MR. BRANDON: Okay. Any discussion?
22 What constitutes an emergency service?

23 MR. LOWERY: Well, Billy on the roads
24 and Rachel on the roads, Alex Case with emergency
25 management, I think he's required to keep his

1 vehicle anyway. I think he was bought that vehicle
2 with some state money. That's about the only ones I
3 see that need to be driven home.

4 MR. BRANDON: Any other discussion?

5 MR. PITTMAN: David, you've looked into
6 this. Do you have any other recommendations?

7 MR. YOUNG: No. I mean, this of course
8 doesn't include the sheriff's department. We don't
9 have any control over that either way. I have been
10 getting a lot of calls about this.

11 MR. PITTMAN: Does this include the
12 van, senior van?

13 MR. LOWERY: Yes. I wouldn't claim
14 that as an emergency service after hours.

15 MR. BRANDON: Any other discussion?
16 We've got a motion and a second. I'll call the
17 roll. Mr. Young?

18 MR. YOUNG: Yes.

19 MR. BRANDON: Mr. Lowery?

20 MR. LOWERY: Yes.

21 MR. BRANDON: Mr. Pittman?

22 MR. PITTMAN: Yes.

23 MR. BRANDON: Ms. Moore?

24 MS. MOORE: Yes.

25 MR. BRANDON: The motion passes.

1 Next on the agenda, I'll turn it back
2 to the county clerk.

3 MR. TOWNSEND: Dade County Board of
4 Health, Sarah Moore, I guess, would like to maybe
5 introduce them regarding on-site sewage management
6 permits, amendment to the ordinance and that is in
7 your packet if you would like to take a look at
8 that.

9 MS. MOORE: Okay. The ordinance is in
10 your packet and we do have John Kelpner here and Tim
11 Allee and John would like to speak to us concerning
12 that ordinance.

13 MR. KELPPER: Good evening. My name is
14 John Kelpner and I work with the environmental
15 health and we do have several of the Board of Health
16 members here. We're simply coming to the Board of
17 Commission asking for help. We, as the
18 environmental health, are required by the state to
19 issue on-site waste management permits for any
20 establishment that has water-carried waste. We're
21 asking that the seekance of permitting be arranged
22 to where the environmental health issues the permit
23 prior to the -- any other permit which would be in
24 this case the electrical permit. There has been an
25 amendment to the electrical -- the electrical law

1 that I think Robin has reviewed and has been
2 submitted and you guys, I think, are familiar with
3 that and we're just asking for help. The reason for
4 this is, of course, to protect the waters, the
5 environment and we also see a need to protect the
6 homeowners, the home builders that may not be aware
7 of the requirements that we have to enforce and it
8 is costing people extra money when we're going back
9 on the backside after development has been done and
10 they are having to install systems that would not
11 have to be installed had there been permitting
12 upfront. So that's pretty much where we're at and
13 we're simply asking for help.

14 MS. MOORE: Would you explain about
15 what happened about it was one of the churches in
16 the county?

17 MR. KELPPER: Well, we are working with
18 a church that is not open yet, but the lot was cut
19 down to rock and the original soil was removed and
20 we have not come to a resolution on that yet.

21 Hopefully, we can come up with something, but it is
22 for sure going to cost them more money than it would
23 have had they been required once they started
24 development to come to us to ask what they needed to
25 do. So that's where it comes to protect the

1 investment of people in the county. We're trying to
2 save them money.

3 MS. MOORE: And when you came before us
4 before, we had agreed that a letter would be --
5 there would be a letter attached to the person
6 getting an electrical permit and that there would be
7 a letter also stating that they needed to get this
8 other permit. How did that work?

9 MR. KELPPER: Well, this was presented
10 last year to the Commission, the same Commission and
11 I think Mr. Brandon suggested that we would simply
12 have a note signed that was from the environmental
13 health stating that the people applying for an
14 electrical permit were aware that they had to get a
15 permit from the environment health. I in turn went
16 up and collected these from the Commission and went
17 and checked every residence that had to sign that.

18 It did work for a while and it is a
19 help, but it's still -- it's still not the easiest
20 solution. It's not the most cost effective solution
21 for us nor for the homeowner and we just -- it
22 worked for a while and then it was discontinued. So
23 we're asking for the original request to be reviewed
24 again, that -- it should not be a burden on anyone.
25 It would be more work for myself and the employees

1 at the environmental health in that, you know, we're
2 reviewing everyone, but there should not be a
3 burden. I think Melissa worked with this and she
4 said there was some confusion on the signing and
5 this would obviously be -- when someone comes for an
6 electrical permit, they simply show that they either
7 have a septic permit already in hand or a letter
8 from us stating that they have an adequate system or
9 do not need one.

10 MS. MOORE: So you're saying that when
11 they come for an electrical permit, that person
12 should instruct them to go get the --

13 MR. KELPPER: Yes. If they don't have
14 anything in hand showing that they've gotten a
15 permit from the environmental health department or,
16 like I said, a letter saying they do not need a
17 permit from us, then they would simply be turned
18 away until they had that to show to the electrical
19 board or the person that's issuing the electrical
20 permit. So that would place the burden back on the
21 environmental health to issue that letter or permit.

22 MR. LOWERY: This resolution that we
23 have in our packet --

24 MR. ROGERS: I think that was the one
25 that was considered in 2005.

1 MR. KELPPER: It's the same. It is the
2 same.

3 MR. ROGERS: I have not looked at this
4 or the resolution at that time.

5 MR. LOWERY: It's just never been acted
6 on?

7 MR. KELPPER: It never has been voted
8 upon.

9 MS. MOORE: That's what he's asking now
10 that we do because we did try it by the letter first
11 and that wasn't working. So it's going back to the
12 original.

13 MR. YOUNG: How many of these sites
14 that you go on disturb more than one acre?

15 MR. KELPPER: Well, that they disturb
16 more than one acre?

17 MR. YOUNG: Yeah, where they're putting
18 the houses on.

19 MR. KELPPER: I really honestly
20 couldn't tell you the amount disturbed. The problem
21 comes in when they have maybe a half acre or
22 three-quarters of an acre. They cut the driveway
23 in. They cut the house lot down and there may be
24 areas not usable. Then they've cut down all the
25 usable area that they have and they have to install

1 some kind of system that costs -- you know, maybe a
2 pump, which is going to cost several thousand more
3 dollars to get through and if they had come up front
4 before and been able to plan better, then they would
5 have had a conventional system that would have saved
6 them a lot of money.

7 MR. PITTMAN: Is this going to cost the
8 homeowners any more money?

9 MR. KELPPER: No. This in no way
10 punishes the homeowner. It benefits the home owner.
11 It's trying to save them money, save us difficulty
12 on the permitting process and in turn, you know,
13 doing the original purpose of this in protecting the
14 ground water, you know, the water that we drink.

15 MR. ROGERS: The county doesn't require
16 building permits, so --

17 MR. LOWERY: He's saying that the
18 electrical permit is a building permit. Is that
19 what you're saying?

20 MR. KELPPER: Well, the OCGA provides
21 that the governing board, which would be the Dade
22 County Commission, provide this through a building
23 permit for the environmental -- for the Board of
24 Health. We do not have that, so we're asking that
25 the electrical permit be considered the building

1 permit in this case since we don't have anything
2 else. That's the only checks and balances that we
3 can use to ensure that everyone acquires this permit
4 in a timely manner and, you know, acquires it in the
5 first place.

6 MR. BRANDON: Is there a motion on this
7 or is --

8 MS. MOORE: Well, it's come up before
9 us before and, like I said, the only other thing we
10 did was the letter and that doesn't work to
11 perfection and --

12 MR. BRANDON: I think we're all aware
13 of the issue now, but to move forward on the issue,
14 we need to have a motion, a second and then have
15 some discussion on it.

16 MS. MOORE: Okay.

17 MR. BRANDON: Is there a motion?

18 MS. MOORE: I will make the motion that
19 we adopt the resolution that was presented to us in
20 2005 that would require the electrical permit,
21 whomever issues those to advise them of the -- I
22 mean, not to issue it until they've --

23 MR. BRANDON: I have a motion. Do I
24 have a second?

25 MR. LOWERY: The way I understand it,

1 if you second a motion, you don't necessarily have
2 to be for it. You just want to be able to hear
3 discussion. I'll second it.

4 MR. BRANDON: I have a motion and a
5 second. Well, actually, stay there because we'll
6 probably have questions. The question I have is
7 what would be the problem with you coming up every
8 day and just getting the electrical permits and
9 calling the person who applied for it and calling
10 and asking them if they know that they have to have
11 a septic tank and having you ask them if they're
12 going to need a septic tank or not.

13 MR. KELPPER: Well, one problem with
14 that would be that we would have no leverage if they
15 had -- and one of the problems with this when we
16 were doing the letter signing was sometimes when we
17 went, there had already been an illegal system
18 installed. I mean, that's the bottom line.

19 MR. BRANDON: But you have enforcement
20 authority to deny.

21 MR. KELPPER: It makes it much more
22 difficult. It makes it much more difficult when we
23 could go on the front and say you're not even going
24 to get power unless you do what is required by state
25 law and, you know, whenever someone has already put

1 in this system, obviously it's illegal, but they're
2 still going to have to go back on the backside,
3 which is going to cost them more money and it's just
4 much easier to go on the front side. It laid the
5 burden back on the environmental health department
6 to ensure that the people are obtaining a permit and
7 installing a system as required by law.

8 MR. BRANDON: All right. Any other
9 questions or comments, any other discussion?

10 MR. YOUNG: After this ordinance, I
11 couldn't even build a pole barn without -- I was
12 going to have electricity without coming through the
13 health department to get electricity. Now, I mean,
14 under FEMA regulations, I can't build in a floodway,
15 but then should I now have to have a permit on my
16 building site? I mean, this electrical permit first
17 started out in the county so that 911 could get
18 addresses. Now it's slowly starting to grow into
19 other things. I mean, next we're going to have
20 building codes. I mean, I'm fundamentally against
21 this. Now, I would be in favor of maybe adding a
22 line to our electrical permit above where they sign
23 for the permit that says that I'm aware that I may
24 be required to get an erosion control permit and
25 on-site sewage management permit.

1 MS. MOORE: Isn't that what we had?

2 MR. YOUNG: No. We had a letter they
3 had to sign for. In that case, they're made aware.
4 It's not our duty to make them aware of the laws.

5 MR. KELPPER: Well, the problem -- the
6 problem with that is it's just we can't monitor
7 everyone. We know that everyone is aware of the
8 law. I mean, everyone right now is probably aware
9 they have to get septic permit. The fact is that
10 doesn't happen every time and sometimes when it does
11 happen, it's on the backside. A lot of time it's
12 someone that's from, say, Chattanooga that's been on
13 sewer their whole life and they just don't know that
14 they have to have a suitable area. Everywhere is
15 not suitable for an on-site system. Whereas, if
16 they come in and they're saying, you know, I'm
17 getting ready to put in this trailer, I'm getting
18 ready to build this house and I need an electrical
19 permit, well, all the issuing person would have to
20 say was I can't do that until you show me this piece
21 of paper from the health department. They would in
22 turn contact us and -- or we could have a piece of
23 paper, you know, stating this is what you have to do
24 and then they could come back in turn and apply for
25 the electrical permit.

1 MR. BRANDON: In most cases what
2 they're doing though is when people come down here
3 to get that permit, they've already gotten their
4 system wired in and they just want the service
5 connected. So if you guys go out there and don't
6 inspect in a timely manner, it's going to delay them
7 even further. It looks to me like what we're doing
8 is trying to make your job easier.

9 MR. KELPPER: Not at all.

10 MR. BRANDON: Right now all you need to
11 do is come up there and get a list of the people
12 that have applied for electrical permits and go out
13 there and see if they -- see what they're doing.

14 MR. KELPPER: Well --

15 MR. BRANDON: Because by the time they
16 come and get the electrical permit, they've already
17 done what they're going to do anyway. They've
18 already built the house. They've got the frame work
19 up or they're getting ready to start construction.
20 By then they will have already done whatever on-site
21 system they're going to do and so what we're doing
22 is we're telling them they've got to go play mother
23 may I with another department that's going to delay
24 it, depending on however long it takes you, before
25 they can get the power turned on.

1 MR. KELPPER: There is occasionally the
2 case where temporary power has not been applied for.
3 Most of the time when I go out for the original site
4 visit, the electrical -- most of the time a
5 temporary is up. Occasionally, you know, they may
6 build with a generator, but that is very rare. This
7 is not a foolproof, you know, system, but it's much
8 better than what we have. Again, we're just simply
9 asking for help to monitor. It's not that I'm
10 trying to make my job or anyone else's job easier.
11 It's going to lay more burden on me to get all the
12 permits issued. And as far as a timely manner, when
13 someone contacts me, I'm usually out in the field
14 that day to do the work and even if I have to stay
15 over, you know, I'm getting those permits done that
16 day.

17 MR. BRANDON: Any other discussion on
18 this issue?

19 MR. YOUNG: I would still think that
20 just adding a line above where they sign for the
21 electrical permit, I understand I may be required to
22 get an on-site sewage permit would satisfy it. I
23 mean, it's doing the same thing. It's putting the
24 person getting that permit on notice at that point.

25 MR. BRANDON: Anything else?

1 MR. LOWERY: So are you going to make
2 that an amendment to the motion or can he do that?

3 MR. BRANDON: No. This is a totally
4 different issue. I've got a motion and a second.
5 Do we accept the recommendation to require the
6 electrical -- allow the on-site septic permit before
7 getting an electrical permit. I'll call the roll.
8 Mr. Young?

9 MR. YOUNG: No.

10 MR. BRANDON: Mr. Lowery?

11 MR. LOWERY: No.

12 MR. BRANDON: Mr. Pittman?

13 MR. PITTMAN: No.

14 MR. BRANDON: Ms. Moore?

15 MS. MOORE: Well, I want something done
16 about it, so right now I vote yes, but then you can
17 go ahead.

18 MR. BRANDON: And the chair votes no.
19 Now, do we have another alternative that Mr. Young
20 had brought up?

21 MR. YOUNG: I make a motion that on our
22 electrical permit, we'll add a statement that states
23 that permitting may be required to add -- to obtain
24 an on-site sewage permit from the Board of Health
25 for erosion and sedimentation control permit from

1 the EPD.

2 MR. BRANDON: I have a motion. Do I
3 have a second?

4 MR. LOWERY: Can we add his phone
5 number to it?

6 MS. MOORE: I'll second that motion.

7 MR. BRANDON: I have a motion and a
8 second. Do we have any discussion on this issue?

9 MR. PITTMAN: Do you think that would
10 help anything, Mr. Kelpper.

11 MR. KELPPER: It still doesn't solve
12 the problem that we are not aware of who's telling
13 us they're building and who is not, but, you know, I
14 mean, as far as taking someone to court, I assume
15 that they may help. I guess I would have to look at
16 Robin for that.

17 MR. BRANDON: Or you can just come up
18 and get copies of the electrical permits and see who
19 signed them. I have a motion and a second. I'll
20 call the roll. Mr. Young?

21 MR. YOUNG: Yes.

22 MR. BRANDON: Mr. Lowery?

23 MR. LOWERY: Yes.

24 MR. BRANDON: Mr. Pittman?

25 MR. PITTMAN: Yes.

1 MR. BRANDON: Ms. Moore?

2 MS. MOORE: Yes.

3 MR. BRANDON: The motion passes. Thank
4 you.

5 Moving on to the last item on the other
6 agenda here, the county executive's job description.
7 That was put on there by Mr. Pittman, so I'll ask
8 him to address that.

9 MR. PITTMAN: Actually, we had a
10 meeting scheduled with Robin and I couldn't make it,
11 so Lamar was there.

12 MR. BRANDON: I would ask that -- we
13 got this literally ten minutes before the meeting.
14 I haven't looked at it. Since y'all made the
15 changes, I'm sure you looked at it, but I haven't
16 seen it and I would ask that we defer this until the
17 next meeting.

18 MR. PITTMAN: The thing about that is
19 it's going to be more cumbersome. I know you've
20 refused to sign several checks.

21 MR. BRANDON: No. I don't have the
22 authority to do that.

23 MR. PITTMAN: We could go over this and
24 see what your preliminary thoughts are maybe. I
25 mean, this is not set in stone.

1 MR. BRANDON: Well, I don't know what
2 the changes are. What are the changes?

3 MR. PITTMAN: Lamar, would you like to
4 outline the changes or Robin?

5 MR. ROGERS: I think although there are
6 not that many changes, it may be a good suggestion
7 to move this to a special meeting maybe on Monday or
8 Tuesday, fairly quickly, to allow everyone a chance
9 to look at this in more detail. I guess that would
10 be my suggestion. So if the Commission would
11 prefer, I can go over this.

12 MR. BRANDON: The issue at hand is that
13 on the December 11th meeting, the Commissioners
14 present voted to revoke the job description that we
15 had all agreed on in March of 2005. The date that
16 we did that original description, the gentleman from
17 the ACCG suggested we have it put into the
18 legislation for Dade County so that it could only be
19 changed by the voters at that point. There was no
20 consensus that they wanted to do that. I told them
21 at the time that eventually y'all are going to get
22 mad enough at something I do that you're going to
23 revoke this and the comment was made, oh, no, we're
24 not going to do that. Well, they did. And so since
25 that date, I have fallen back to the only job

1 description that I have which is the one that was in
2 the legislation for this position when I was elected
3 to it. It's not the one that most people thought
4 they were voting for. It's not -- there's a big
5 division of what people thought they were voting
6 for, but I've fallen back to doing exactly what's
7 permitted in the legislation and that's what I've
8 been doing.

9 MS. MOORE: And what is that?

10 MR. LOWERY: Nothing.

11 MR. BRANDON: Overseeing the meeting.

12 That's all I'm authorized to do. That and be the
13 head of the civil government in Dade County.

14 MS. MOORE: That's why I think we need
15 to act on this.

16 MR. LOWERY: Mr. Chairman, I think
17 there was a motion and a second. I don't see any
18 reason for discussion on that.

19 MR. BRANDON: We haven't voted on
20 anything.

21 MR. LOWERY: Well, we need a motion and
22 a second, so I don't see any need for discussion on
23 this. I'll make a motion that we meet again. Can
24 everybody meet Monday night at 6:00?

25 MR. BRANDON: Well, we don't have to

1 vote on having another meeting. We can just agree
2 to have another meeting.

3 MR. LOWERY: Agree to have another
4 meeting.

5 MS. MOORE: At 6:00 Monday?

6 MR. BRANDON: Monday at 6:00 and we'll
7 take up that issue then.

8 That's all of the new business that I
9 have. We're up to citizen participation. Does
10 anyone wish to address their fellow citizens?
11 Seeing -- yes, ma'am.

12 MS. REYNOLDS: Hi. My name is Joanne
13 Reynolds. I live on Lookout Mountain, actually
14 Scenic Highway and I would like to address the trash
15 issue. I do believe that Keep Dade Beautiful tries
16 to go a good job. I believe that Burkhalter Gap and
17 Scenic Highway is clean because the citizens have
18 taken it upon themselves, even though it seems to be
19 a small dedicated group, to twice a year pick up the
20 trash along the roads and I would think it would
21 work far better for citizens to help keep their
22 roadways clear as opposed to trying to make another
23 ordinance, another department, more expense for the
24 government to try to keep people from throwing trash
25 out and not picking it up. I think that would go

1 far better if everyone in the county takes it upon
2 themselves to do their part to keep it picked up and
3 clean and not involve more government bureaucracy to
4 try to regulate ourselves. Thank you.

5 MR. BRANDON: One of the reasons --
6 thank you. I agree with that by the way. One of
7 the reasons that it might appear that some counties
8 are a lot cleaner along the roadways than ours is a
9 lot of counties use state prisoners to do trash pick
10 up along the highway. And to do that, we could get
11 the same service. All you have to do is provide the
12 van and pay for the salary of the guard to guard the
13 prisoners as they're picking up the trash. And I'm
14 not sure what county you were referring to earlier,
15 but I know a lot of counties around us use that
16 facility. Walker County, which is home to the
17 correctional facility over there, is probably really
18 clean because they've got a lot of prisoners to use
19 and they're right there at home and that's something
20 that we could do as well, but it's going to require
21 a small -- actually, not so small investment to do
22 that and that way you can get prisoners from the
23 correctional facility over there to come over and
24 pick up every piece of debris along any road in Dade
25 County, any county road if you want to do that.

1 MR. LOWERY: As far as our local
2 prisoners, I've never seen them out picking up
3 trash. What's the problem?

4 MR. BRANDON: You would have to ask the
5 sheriff. I don't know. You would have to have
6 somebody out watching them. I don't know if there
7 are any liability issues or not. You have to be
8 careful about how you use inmate labor because you
9 do have some liability issues if they get out there
10 and get hit by a car or doing something else and get
11 injured. The county would be liable for that.

12 MS. MOORE: And also, Ben, in response
13 to the fellow from New Salem, you might tell him
14 that there is state laws that if anyone is seen
15 throwing out the thrash, there is a law on the books
16 that would convict for that if they're seen, but you
17 have to prove that they've done it; is that correct?

18 MR. BRANDON: It is. I've actually
19 called in myself to report people throwing out
20 litter and the answer is, well, it's your word
21 against theirs and you might as well save your time
22 calling to report somebody littering unless you can
23 find something with their name on it that they've
24 thrown away. The biggest trash dump in Dade County
25 isn't our closed landfill. It's on Scratch Ankle

1 Road up on Sand Mountain and even when you go up
2 there and find people's names and addresses in the
3 bags, it's hard to get -- press a case against them,
4 I'm told.

5 So it's just an issue. You can't make
6 people be more moral and cleaner than they want to
7 be. You have to rely on people being good citizens
8 and we obviously have some people that don't choose
9 to do that. I would like to think that they're not
10 from Dade County, that they're coming in from
11 Tennessee and Alabama doing that, but I couldn't --
12 I couldn't make that blanket assumption right now.

13 But thank you, Joanne. I agree with
14 you on that. We have on here time for an executive
15 session, if any. Do we need -- do we need an
16 executive session?

17 MR. ROGERS: I think we do for
18 personnel.

19 MR. BRANDON: I'm sorry. Does anyone
20 else want to come up and address their fellow
21 citizens? Seeing none, to go into executive
22 session, we need to vote on that. Do I have a
23 motion that we enter executive session?

24 MR. YOUNG: I make a motion that we go
25 into executive session.

1 MR. BRANDON: I've got a motion by
2 Mr. Young.

3 MR. LOWERY: I'll second.

4 MR. BRANDON: I have a second by Mr.
5 Lowery. I'll call the roll. Mr. Young?

6 MR. YOUNG: Yes.

7 MR. BRANDON: Mr. Lowery?

8 MR. LOWERY: Yes.

9 MR. BRANDON: Mr. Pittman?

10 MR. PITTMAN: Yes.

11 MR. BRANDON: Ms. Moore?

12 MS. MOORE: Yes.

13 MR. BRANDON: We stand adjourned for
14 hopefully not very long.

15 (Thereupon, the Commissioners went
16 into executive session.)

17 MR. BRANDON: To return from executive
18 session, we need to -- I need a motion.

19 MR. LOWERY: I make a motion we return
20 from executive session.

21 MR. BRANDON: I have a motion. Do I
22 have a second?

23 MS. MOORE: I'll second.

24 MR. BRANDON: I have a motion and a
25 second. I'll call the roll. Mr. Young?

1 MR. YOUNG: Yes.

2 MR. BRANDON: Mr. Lowery?

3 MR. LOWERY: Yes.

4 MR. BRANDON: Mr. Pittman?

5 MR. PITTMAN: Yes.

6 MR. BRANDON: Ms. Moore?

7 MS. MOORE: Yes.

8 MR. BRANDON: We stand reconvened, but

9 having no further business before the Dade County

10 Commission, this meeting stands adjourned.

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END OF MEETING

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